



Acknowledgment Letter Request Form for U.S. EPA Brownfields Assessment, Revolving Loan Fund, and Cleanup Grant Proposals

All Indiana applicants to the U.S. Environmental Protection Agency (U.S. EPA) for brownfield grant funding must submit a letter from the "State or Tribal Environmental Authority," which is the Indiana Department of Environmental Management (IDEM), acknowledging that the applicant plans to perform the proposed grant-funded activities. This is required for each proposal as one of the Threshold Criteria, which are all pass/fail.

To obtain such a letter, the applicant needs to provide the following requested information to the Indiana Brownfields Program (Program) **by October 24, 2008**. If an entity is applying for more than one U.S. EPA grant, only one request form is necessary. Due to the past number of letter requests received and the variety of entities (environmental consultants, non-profit organizations, etc.) commonly involved in each project, the Program needs the following contact information in order to simplify the process of issuing the acknowledgement letters. Please include all information requested, even if it appears to be duplicative.

For Revolving Loan Fund and Cleanup Grant applicants, this request form also serves as a notification to the Indiana Brownfields Program that you will be eligible to receive a Federal Matching Grant from the Indiana Finance Authority. These state funds will be awarded to applicants who receive U.S. EPA funding (**Revolving Loan Fund and Cleanup Grants ONLY**). See Federal Matching Grant Guidelines for more information:
www.in.gov/ifa/brownfields/2541.htm.

Please copy the Indiana Brownfields Program when submitting your final proposal(s) to U.S. EPA. Unlike past years, this is now required so that the Program has appropriate records.

1. **Primary Contact** (for questions regarding this request)
Name:
Affiliation:
Email:
Phone: Fax:
2. **Acknowledgement Letter should be addressed to** (entity requesting the U.S. EPA Grant(s))
Name:
Title:
Affiliation:
Address:
Email:
Phone: Fax:
3. **Entity assembling and submitting the grant proposal to U.S. EPA** (this individual will receive an Acknowledgement Letter by fax or by U.S. postal mail on or before 12:00 p.m., November 14, 2008, to be included with each grant proposal)
Name:
Title:
Affiliation:
Address:
Email:
Phone: Fax:

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7. If submitting a *site-specific proposal* to U.S. EPA, identify site(s) name, location, status (bankrupt, tax delinquent, abandoned, inactive, etc.), including brief operational history and current use if applicable.
8. If submitting a *site-specific proposal* to U.S. EPA, describe site ownership
- For Cleanup Grant applicants where applicant is not the owner, describe plans (including timeframe) to acquire the subject site(s).
 - Indicate whether the applicant or current owner caused or contributed to the existing contamination at the site(s).
9. ***For petroleum-contaminated sites ONLY (not petroleum co-mingled with hazardous substances) for site-specific proposals:*** In addition to the above information, per U.S. EPA grant guidelines, please provide the following so that IDEM can make petroleum site eligibility determinations (*Please attach responses to this request form*):
- a. *Current and Immediate Past Owner of the Site.* Identify the current and immediate past owner of the site. For purposes of petroleum eligibility determinations in U.S. EPA grant guidelines only, the current owner is the entity that will own the site on June 30, 2009.
 - b. *Acquisition of Site.* Identify when and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
 - c. *No Responsible Party for the Site.* Identify whether the current and immediate past owner (which includes, if applicable, the applicant) (1) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site, and (2) took reasonable steps with regard to the contamination at the site.
 - d. *Assessed or Cleaned Up by a Person Not Potentially Liable.* Identify whether you (the applicant) dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site, and whether you took reasonable steps with regard to the contamination at the site.
 - e. *Relatively Low Risk.* Identify whether the site is of “relatively low risk” compared to other petroleum or petroleum product-only contaminated sites in the state in which the site is located, including whether the site is receiving or using Leaking Underground Storage Tank (LUST) Trust Fund monies.

- f. *Judgments, Orders, or Third Party Suits.* Provide information that no responsible party (including the applicant) is identified for the site through, either:
 - (1) a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
 - (2) an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
 - (3) a citizen suit, contribution action or other third party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.
- g. *Subject to RCRA.* Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
- h. *Financial Viability of Responsible Parties.* For any current or immediate past owners identified as responsible for the contamination at the site, provide information regarding whether they have the financial capability to satisfy their obligations under federal or state law to assess, investigate or clean up the site. Note: *If no responsible party is identified in (c) or (f) above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, U.S. EPA or the state must next determine whether that party is viable. If any such party is determined to be viable, then the petroleum-contaminated site may not be eligible for funding.*

If you are unable to obtain information on any of the above questions, you must include a brief explanation of why the information requested above is not available.

This request form should be submitted (via email, fax, or U.S. postal mail) by October 24, 2008, to:

Susan Tynes Harrington
Indiana Brownfields Program
100 N. Senate Avenue
Room 1275
Indianapolis, Indiana 46204

Fax: (317) 234-1338
Email: sharrington@ifa.in.gov

Reminder: Final grant proposals, including IDEM acknowledgment letters, must be postmarked or sent via registered or tracked mail to U.S. EPA by **November 14, 2008**. *Please remember to copy the Indiana Brownfields Program when submitting your final proposal(s) to U.S. EPA.*